

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case
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This document relates to:

Burnett, et al., v. al Baraka Inv. & Dev. Co., et al., Case No. 03-CV-9849

Affidavit of J. Scott Tarbutton offered by plaintiffs in the above-referenced *Burnett* action in opposition to the motion of defendants Al Shamal Islamic Bank, Tadamon Islamic Bank, and Sanabel Al Kheer, Inc., to set aside default judgments.

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF PHILADELPHIA)

1. J. Scott Tarbutton, being duly sworn, deposes and says:
2. I am an attorney admitted to practice *pro hac vice* in the above-captioned multidistrict litigation, and a member of the law firm Cozen O'Connor. I am familiar with the facts and circumstances in this action.
3. I make this affidavit in my capacity as Plaintiffs' Liaison Counsel, and at the request of the *Burnett* Plaintiffs, to set forth the conversations I had with counsel for defendants Al Shamal Islamic Bank, Tadamon Islamic Bank, and Sanabel Al Kheer, Inc., in the above-referenced multidistrict litigation.
4. On September 30, 2005, on behalf of the Plaintiffs in the *Federal Insurance* action, I filed an application requesting entry of default against several hundred defendants, including the above-referenced defendants.

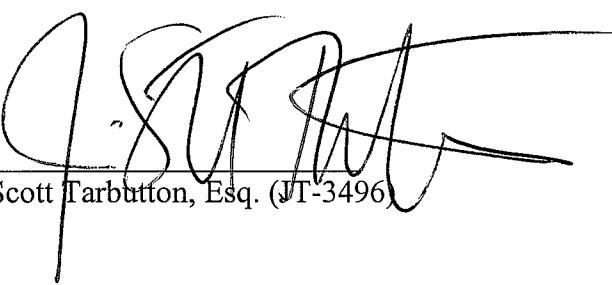
5. After filing the application for default, and before default judgments were entered, I was contacted by counsel for the defendants who requested that I provide them with an extension of time to file responsive pleadings in the *Federal Insurance* action.

6. Consistent with the cooperative spirit that has marked my dealings with counsel for the defendants, I negotiated a stipulation which relieved the above-referenced defendants from their default status in the *Federal Insurance* action, and provided them with extensions of time to file their responsive pleadings.

7. Pursuant to my role as Plaintiffs' Liaison Counsel to negotiate briefing schedules and finalize stipulations on behalf of all Plaintiffs in the above-referenced consolidated action, and in keeping with the Court's expressed preference for consolidated briefing, I also asked counsel if the defendants would be interested in entering into similar agreements with other Plaintiffs' cases in which they were named, and offered to negotiate such extensions.

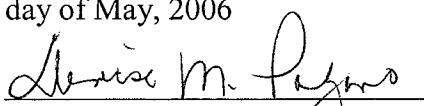
8. At that time, counsel for the defendants declined this offer and advised that they preferred to obtain an extension in the *Federal Insurance* action only.

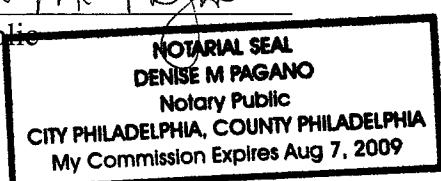
Dated: Philadelphia, Pennsylvania
May 30, 2006



J. Scott Tarbutton, Esq. (JT-3496)

Sworn to before me this 30th
day of May, 2006


Notary Public



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